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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,945	09/22/2003	Nobuhiko Sato	03500.009245.1	5719
5514	7590	05/20/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			LAMB, TWYLER MARIE	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/664,945

Applicant(s)

SATO ET AL.

Examiner

Twyler M. Lamb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 08/076,785.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Motoyama (US 5,353,388).

With regard to claim 1, Motoyama discloses an information processing apparatus (Figure 2) comprising: acquiring means (CPU 152) for acquiring information stored in a memory of a printing device (printers 164) connected through a bidirectional interface (printer interfaces 162); and selecting means (CPU 152; Image Driver Module 206) for selecting a printer driver corresponding to the information acquired by said acquiring means from a plurality of printer drivers on the basis of the information (col 5, lines 38-49; col 11, lines 18-43; col 13, lines 17-29).

3. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sasaki (US 5,228,118).

With regard to claims 1 and 8, Sasaki discloses an information processing apparatus (Figure 3) comprising: acquiring means (CPU 13 for acquiring information stored in a memory of a printing device (laser printer LP) connected through a bidirectional interface (bidirectional serial interface 19); and selecting means (Figure 1, printer driver selecting means) for selecting a printer driver corresponding to the

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information acquired by said acquiring means from a plurality of printer drivers on the basis of the information (col 6, line 46 – col 9, line 12).

With regard to claim 2, Sasaki discloses wherein the information stored in said memory of said printing device is identification information for specifying a program for interpreting a particular printer language (col 5, lines 32-43; col 5, line 67 – col 6, line 11).

With regard to claim 3, Sasaki discloses wherein a plurality of pieces of the information are stored in said memory of said printing device, and a priority order is given to said plurality of pieces of information (col 7, line 65 – col 8, line 10).

With regard to claim 4, Sasaki discloses wherein a priority order is given to said plurality of printer drivers (col 7, line 65 – col 8, line 10).

With regard to claim 5, Sasaki discloses wherein said selecting means selects a printer driver corresponding to information with a highest priority (col 8, lines 44-61).

With regard to claim 6, Sasaki discloses wherein said selecting means selects a printer driver with a highest priority (col 8, lines 44-61).

With regard to claim 7, Sasaki discloses wherein said information processing apparatus is a host computer (Figure 3, personal computer PC; col 5, lines 7-15).

With regard to claim 9, Sasaki discloses wherein the data is data inherent in a program for interpreting a printer language (col 5, lines 32-43; col 5, line 67 – col 6, line 11).

With regard to claim 10, Sasaki discloses wherein when the programs for interpreting printer languages in said printing device are switched, said storing means

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acquires data inherent in a program before the switching from said memory of said printing device and stores the acquired data (col 5, lines 32-43; col 5, line 67 – col 6, line 11).

With regard to claim 11, Sasaki discloses wherein said information processing apparatus is a host computer (Figure 3, personal computer PC; col 5, lines 7-15).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Twyler M. Lamb whose telephone number is 571-272-7406. The examiner can normally be reached on M-Thurs 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Twyler M. Lamb
Primary Examiner
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